

PTO/SB/64 (09-04)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional) 05116 (LC 0171 PUS)
--------------------------------------------------------------------------------------------------------------	--------------------------------------------------------

First named inventor: Bogdan Radu, et al.

Application No.: 10/711,587

Art Unit: 3636

Filed: 09/27/2004

Examiner:

Title: ADJUSTABLE VEHICLE ARMREST

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SEP 06 2005

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity - fee \$ 1,500.00 (37 CFR 1.17(m)) 09/08/2005 SSESHE1 00000001 10711587
01 FC:1453 1500.00 DA

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):
- ☐ has been filed previously on _____
- ☒ is enclosed herewith.
- B. The issue fee and publication fee (if applicable) of \$ _____
- ☐ has been paid previously on _____
- ☐ is enclosed herewith.

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(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-0199 and select option 2.

PTO/SB/04 (09-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (II)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Jeffrey J. Chapp
Signature

9-6-05
Date

Jeffrey J. Chapp
Typed or printed name

50,579
Registration Number, if applicable

28333 Telegraph Road, Suite 250
Address

248-223-9500
Telephone Number

Southfield, MI 48034
Address

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as ~~703-272-8300~~ 571-273-8300.

9-6-05
Date

Jo Anne Croakey
Signature

Jo Anne Croakey
Typed or printed name of person signing certificate

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SEP 06 2005

In re Application of:

Alan George William Dry

Applicant No.: 10/711,587

Filed: September 27, 2004

Title: ADJUSTABLE VEHICLE ARMREST

Atty. Docket No.: 05116 (LC 0171 PUS)

PETITION UNDER 37 CFR 1.137(b)Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

We, Alan George William Dry and Jeffrey J. Chapp, state as follows:

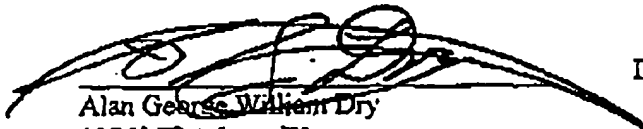
1. That Alan George William Dry is an employee of LEAR CORPORATION (hereinafter LEAR);
2. That Jeffrey J. Chapp is an associate at Artz & Artz P.C., which represents LEAR in intellectual property matters, and is an Attorney of Record for U.S. Patent Application No. 10/711,587 (hereinafter "App. '587");
3. That we herein request that App. '587 be revived;
4. That the entire delay in filing the enclosed signed Oath and Declaration from December 20, 2004 (Response Due Date for the Notice to file Missing Parts dated October 20, 2004) until the filing of a grantable petition pursuant to 37 CFR 1.137(b)(3) was UNINTENTIONAL;

Page 1 of 2

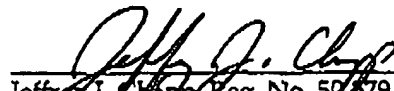
Date: July 29, 200509/08/2005 SSESHE1 00000001 500476 10711587
01 EC:1453 1500.00 DA

We therefore file and submit this Petition along with a Petition under 37 CFR 1.47(a), a Supplemental Oath and Declaration, attached proof of pertinent facts stated in Petition under 37 CFR 1.47(a), and appropriate fees for App. '587 in accordance with 37 CFR 1.137(a), 37 CFR 1.47(a), 37 CFR 1.17(m), and 37 CFR 1.17(h). We respectfully request that the App. '587 be revived in the Patent Office.

We hereby declare that all statements made herein are of our own knowledge, are true, and that all statements made herein are on information and belief, which we believe to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Alan George William Dry
19768 IDA Lane West
Grosse Pointe Woods, MI 48236

Date: 07-28-TH-05


Jeffrey J. Chapp, Reg. No. 50879
ARTZ & ARTZ, P.C.
28333 Telegraph Road, Suite 250
Southfield, MI 48034
(248) 223-9500

Date: 7-6-05

In re Application of:

Alan George William Dry

Applicant No.: 10/711,587

Filed: September 27, 2004

Title: ADJUSTABLE VEHICLE ARMREST

Atty. Docket No.: 05116 (LC 0171 PUS)

PETITION UNDER 37 CFR 1.47(a)

Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

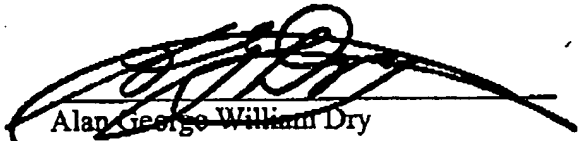
We, Alan George William Dry and Jeffrey J. Chapp, state as follows:

1. That Alan George William Dry is an employee of LEAR CORPORATION (hereinafter LEAR);
2. That Jeffrey J. Chapp is an associate at Artz & Artz, P.C., which represents LEAR in intellectual property matters, and is an Attorney of Record for U.S. Patent Application No. 10/711,587 (hereinafter "App. '587");
3. That Mr. Radu is a co-inventor of App. '587 and is listed as such in the Patent Office;
4. That Mr. Radu helped conceive, develop, and seek patent protection of App. '587 while being employed at LEAR; and
5. That Mr. Radu has failed to sign an Oath and Declaration as required under 37 CFR 1.51 and 37 CFR 1.63 with respect to App. '587.

We therefore file and submit this Petition along with a Supplemental Oath and Declaration, attached proof of pertinent facts stated below, and appropriate fees for App. '587 in accordance with 37 CFR 1.47(a) and 37 CFR 1.17(h). We respectfully request that the Oath and Declaration be recorded in the Patent Office. In doing so, we further state as follows:

- A. That on September 8, 2004, Mr. Radu received a copy of the subject patent application and was informed that a declaration would need to be signed by all inventors;
- B. That Artz & Artz prepared the appropriate Oath and Declaration document and on January 7, 2005, provided Mr. Radu with that Oath and Declaration and requested Mr. Radu to execute and return the Oath and Declaration to Artz & Artz;
- C. That on January 11, 2005, Mr. Radu was again provided with the Oath and Declaration and was requested to sign and return the Oath and Declaration to Artz & Artz;
- D. That LEAR through its representation has repeatedly requested that Mr. Radu execute the appropriate oath and declaration in the Patent Office;
- E. That Mr. Radu after such repeated attempts has either refused or ignored such requests;
- F. That the attached Oath and Declaration for App. '587 is signed on behalf of Mr. Radu;
- G. That this Petition is necessary to preserve the rights of LEAR and to prevent irreparable damage to LEAR; and
- H. Therefore, we request that this Petition and the accompanying Oath and Declaration be respectfully recorded in the Patent Office.

with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Alan George William Dry
19768 IDA Lane West
Grosse Pointe Woods, MI 48236

Date: 07-28-05



Jeffrey J. Chapp, Reg. No. 50,579
ARTZ & ARTZ, P.C.
28333 Telegraph Road, Suite 250
Southfield, MI 48034
(248) 223-9500

Date: 9-6-05

Jo Anne Croskey

From: Jo Anne Croskey
Sent: Tuesday, January 11, 2005 1:22 PM
To: 'bogdanradu@yahoo.com'
Subject: 05116 (LC 0171 PUS)

In follow-up to our conversation this date, please find attached the documents needed for dated signature. Please execute the documents and forward to my attention ASAP to the address indicated below. Thank you very much.



Declaration.doc



Assignment.doc

Jo Anne
Assistant to Jeffrey J. Chapp

Jo Anne Croskey

Artz & Artz, P.C.
28333 Telegraph Road, Ste. 250
Southfield, MI 48034
248-223-9500
248-223-9522 (fax)
jac@artzlaw.com

**ARTZ
ARTZ**

ARTZ & ARTZ, PC
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Patents, Trademarks & Copyrights

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www.artzlaw.com

January 7, 2005

Bogdan Radu
16011 Knollwood Drive
Dearborn, MI 48120

RE: U.S. Patent Application for:
"Adjustable Vehicle Armrest"
Serial No.: 10/711,587
Filing Date: September 27, 2004
Your Ref. No.: 05116
Our File No.: LC 0171 PUS

Dear Mr. Radu:

In follow-up to our conversation this date, please find enclosed for you and your co-inventor, Alan George William Dry, the Declaration/POA and Assignment for your dated signatures. Please execute the documents and then forward them via the mail to my attention to the address indicated above.

Should you have any questions, please call me at 248-223-9500. Thank you very much for your help and cooperation.

Very truly yours,



Jo Anne Croskey
Assistant to Jeffrey J. Chapp

/jac

Enclosure

Lisa A. Butler

From: Lisa A. Butler
Sent: Wednesday, September 08, 2004 10:53 AM
To: 'mheinze@lear.com'; 'adry@lear.com'; 'sdeangelo@lear.com'; 'mSchoemann@lear.com';
'ddooley@lear.com'; 'BogdanRadu@yahoo.com'
Subject: Adjustable Armrest

I failed to mention this in my previous email. If you are an inventor in this invention, please forward me your complete name, your home address, and you country of citizenship. An assignment and declaration form will need to be signed by all inventors - and your personal information is listed on those forms.

Thank you!

Lisa Butler
Artz & Artz, P.C.
28333 Telegraph Road, Suite 250
Southfield, MI 48034
(248) 223-9500 phone
(248) 223-9522 fax

Lisa A. Butler

From: Dooley, Dave [DDooley@lear.com]
Sent: Thursday, September 09, 2004 9:38 AM
To: Lisa A. Butler
Cc: Heinz, Mark; Dry, Alan; Deangelo, Sal; Schoemann, Michael
Subject: RE: Patent Application

Lisa,
Reviewing this write-up, I do not see my influence on the content.
Please
remove my name from this patent disclosure. Thanks, Dave

-----Original Message-----

From: Lisa A. Butler [mailto:lab@artzlaw.com]
Sent: Wednesday, September 08, 2004 10:25 AM
To: BogdanRadu@yahoo.com; ddooley@lear.com
Subject: FW: Patent Application

Please see my email below. I had sent it to your incorrect email addresses.

Thank you,
Lisa

> -----Original Message-----

> **From:** Lisa A. Butler
> **Sent:** Wednesday, September 08, 2004 10:20 AM
> **To:** 'bradu@lear.com'; 'mheinze@lear.com'; 'adry@lear.com';
> 'ddooley@lear.com'; 'sdeangelo@lear.com'; 'mschoemann@lear.com'
> **Subject:** Patent Application

>
> Lear File No. 05116
> Our File No. LC 0171 PUS
> Title of Invention: Adjustable Vehicle Armrest

>
> Good morning,
> Our office is preparing to file a Patent Application for the above
referenced invention. In doing so, we need to verify the actual
inventors
and get your comments on the content of the application. We have
received a
disclosure listing all of you as potential inventors for this particular
invention and I need to make sure that is accurate.

>
> I have attached a draft of the application and the rough drawings for
your
review. Please read through the application including the claims to
make
sure you have participated in the content of at least one of the claims.

>
> Please forward all of your comments and questions to the attorney who
is
drafting this application, Jeffrey Chapp. His email address is
jjc@artzlaw.com and he may be reach by phone at 248-223-9500.

>
> Thank you and let me know if you have any trouble viewing the
attachments.> > <<LC 0171 - Drawings.pdf>> > >
<<AdjustableArmrest.doc>>

>
> Lisa Butler for Jeffrey J. Chapp
> Artz & Artz, P.C.

PTO/SB/17 (12-04/2)

Approved for use through 07/31/2008. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/09/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4918).**FEE TRANSMITTAL**
For FY 2005☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1,500.00

Complete if Known

Application Number	10/711,587
Filing Date	September 27, 2004
First Named Inventor	Bogdan Radu, et al.
Examiner Name	
Art Unit	5836
Attorney Docket No.	05116 (LC 0171 PUS)

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SEP 6 2005**METHOD OF PAYMENT (check all that apply)**

- ☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____
- ☒ Deposit Account Deposit Account Number: 50-0476 Deposit Account Name: John A. Artz, P.C.
- For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
- ☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
- ☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

Fee (\$)	Small Entity Fee (\$)
50	25

Each independent claim over 3 (including Reissues)

200 100

Multiple dependent claims

360 180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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- 20 or HP =	x	=	
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HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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- 3 or HP =	x	=	
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HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
--------------	--------------	--------------------------------------------------	----------	---------------

- 100 =	/ 50 =	(round up to a whole number) x	=	
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4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

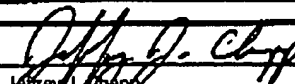
Fees Paid (\$)

Other (e.g., late filing surcharge): Petition to Revoke - Unintentionally

1,500.00

SUBMITTED BY

Signature



Registration No.

50,579

(Attorney/Agent)

Telephone 248-223-9500

Name (Print/Type)

Jeffrey J. Chapp

Date

9-6-05

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.